

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 1331-337  
C# M#

Reid W. von Borstel

Group Art Unit: 1632

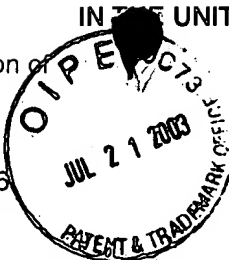
Serial No. 09/838,136

Examiner: Josephine Young

Filed: April 20, 2001

Date: July 21, 2003

Title: COMPOSITIONS AND METHODS FOR TREATMENT OF MITOCHONDRIAL DISEASES

1632  
RECEIVED  
JUL 24 2003  
TECH CENTER 1600/2900Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE**

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment **43** minus highest number  
previously paid for **43** (at least 20) = 0 x \$ 18.00 \$ 0.00

Independent claims after amendment **5** minus highest number  
previously paid for **5** (at least 3) = 0 x \$ 84.00 \$ 0.00

If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$410.00/2 months; \$930.00/3 months) \$ 930.00

Terminal disclaimer enclosed, add \$ 110.00 \$ 0.00

☐ First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$750.00) \$ 0.00

☐ Please enter the previously unentered, filed

☐ Submission attached

**Subtotal \$ 930.00**

If "small entity," then enter half (1/2) of subtotal and subtract -\$ 0.00

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00) \$ 0.00

Assignment Recording Fee (\$40.00) \$ 0.00

Other: 0.00

**TOTAL FEE ENCLOSED \$ 930.00**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8<sup>th</sup> Floor  
Arlington, Virginia 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100  
LCM:lrmNIXON & VANDERHYE P.C.  
By Atty: Leonard C. Mitchard, Reg. No. 29,009Signature: 

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

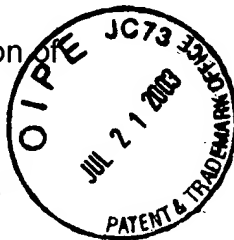
In re Patent Application of

Reid W. von Borstel

Appl. No. 09/838,136

Filed: April 20, 2001

For: COMPOSITIONS AND METHODS FOR TREATMENT OF MITOCHONDRIAL DISEASES



Atty. Ref.: 1331-337

Group: 1632

Examiner: Josephine Young

RECEIVED  
JUL 24 2003  
TECH CENTER 1600/2900

#15  
CD  
7/26/03

\* \* \* \* \*

July 21, 2003

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE**

In response to the Official Action mailed March 28, 2003, (for which petition is hereby made for a three month extension of time), Group V, claims 41-42, is hereby elected. An action on the merits is awaited.

The Examiner is advised that Wellstat Therapeutics Corporation, the assignee of record of the present application, and The Regents of the University of California have agreed to submit inventorship of the present application to binding arbitration.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_

Leonard C. Mitchard  
Reg. No. 29,009

LCM:lfm  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100

758354

07/23/2003 WABDELRI 00000010 09838136 930.00 DP  
01 FD:1253